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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,685	03/05/2003	Ketan Ruparel	Ruparel - 1	3746
22046 7590 12/30/2008 Docket Administrator - Room 2F-192 Alcatel-Lucent USA Inc. 600-700 Mountain Avenue Murray Hill, NJ 07974				
EXAMINER				
COULTER, KENNETH R				
ART UNIT		PAPER NUMBER		
2441				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/069,685

**Applicant(s)**

RUPAREL, KETAN

**Examiner**

Kenneth R. Coulter

**Art Unit**

2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claim 17 is objected to because of the following informalities:

Claim 17 (dependent upon claim 1) is almost identical to claim 5 (dependent upon claim 1).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 recites the limitation "communication network" in lines 1 – 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (U.S. Pat. No. 6,233,332) (System For Context6 Based Media Independent Communications Processing).

2.1 Regarding claim 1, Anderson discloses a method of establishing communication between an information source defined by a data processing system and a user accessing the information source with a data processing device via a communications network, the method comprising:

assigning a position in a queue to the user according to one or more rules (Figs. 4, 5; col. 7, line 23 – col. 8, line 4 **"Entitlement Data 405"**; col. 8, lines 5 – 47);

determining contact information relating to the user which enables an agent to contact the user (col. 7, line 23 – col. 8, line 4); and

establishing communication between an agent and the user at the head of the queue using the contact information (Figs. 4, 5; col. 7, line 23 – col. 8, line 4);

characterized in that

at least one rule relates to the use of the information source by the user, the method further comprising monitoring the interaction of the user with the information source, one or more of the rules using the monitored interaction with the information source to assign a position in the queue to the user, wherein the information source is a Web server and the user accesses the information source using a Web browser (Figs. 4, 5; col. 7, line 23 – col. 8, line 4; col. 8, lines 5 – 47 "the calling customer is served in true order of arrival fashion (**or any other queuing algorithm desired**), ...").

2.2 Per claim 2, Anderson teaches monitoring information received from the user, one or more of the rules using the information received from the user to assign a position in the queue to the user (Figs. 4, 5; col. 7, line 23 – col. 8, line 4; col. 8, lines 5 – 47).

2.3 Regarding claim 3, Anderson discloses that the monitored interaction with the information source includes one or more of, the time spent by the user accessing the information source, how frequently the user has accessed the information source, and specific information accessed by the user (Figs. 4, 5; col. 7, line 23 – col. 8, line 4).

2.4 Per claim 4, Anderson teaches monitoring the usage of the information source by the user, and reordering the queue so as to be in accordance with the rules (Figs. 4, 5; col. 7, line 23 – col. 8, line 4; col. 8, lines 5 – 47).

2.5 Regarding claim 5, Anderson discloses that the communication network is a WAN, LAN, PSTN, or the Internet (col. 6, lines 25 – 39 “LAN/WAN” “PTSN” “TCP/IP”).

2.6 Per claim 6, Anderson teaches that the contact information is in the form of a telephone number, WAN address, LAN address, email address or TCP/IP address (col. 6, lines 25 – 39).

2.7 Regarding claim 7, Anderson discloses that the user provides the contact information to the information source prior to accessing the information source (col. 7, line 23 – col. 8, line 4; col. 8, lines 5 – 47).

2.8 Per claim 8, Anderson teaches that the instruction data are transferred from the Web server to the data processing device of the user and wherein the instruction data instruct the data processing device to provide contact or monitoring information to the information source (Figs. 4, 5; col. 7, line 23 – col. 8, line 4).

2.9 Regarding claim 9, Anderson does not explicitly disclose that the instruction data are in the form of an applet.  
However, the use of applet to gather specific information is inherent in the art.

2.10 Per claim 10, Anderson does not explicitly teach that the information used by at least one of the rules is communicated between the Web server and the Web browser in the form of a cookie.  
However, the use of cookies to gather specific personal information is inherent in the art.

2.11 Regarding claim 11, Anderson discloses that the contact information is used to establish communication between the agent and the user while the user continues to access the information source (col. 8, lines 5 – 48).

2.12 Regarding claims 12 – 17, the rejection of claims 1 – 11 under 35 USC 102(e) (paragraphs 2.1 – 2.11 above) applies fully.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 17 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Coulter/  
Primary Examiner, Art Unit 2441

/KRC/